

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
DECEMBER 12, 2005**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, December 12, 2005 at 2:00 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Zack Matheny, Evelyn Miller, Bill Schneider, Portia Shipman (arrived at 2:10 p.m.), Susan Spangler and Kevin Wright. The Planning Department was represented by Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

Chair Wolf welcomed Kevin Wright, a new member to the Commission replacing Mr. Kauber.

APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 2005 REGULAR MEETING.

Mr. Gilmer moved approval of the minutes of the November 14, 2005 meeting as written, seconded by Mr. Schneider. The Commission voted unanimously 8-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler, Wright. Nays: None.)

Ms. Shipman arrived at 2:10 p.m. and participated in the balance of the meeting.

PUBLIC HEARINGS:

- A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND REZONING FROM CITY ZONING RS-40 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: 1) USES: GENERAL CONTRACTORS OFFICE AND STORAGE YARD. 2) BUILDING SETBACKS SHALL BE A MINIMUM OF 50 FEET FROM PLEASANT RIDGE ROAD. 3) SIGNAGE SHALL BE AS CORPORATE PARK REQUIREMENTS. 4) A STREET PLANTING YARD OF 15 FEET MINIMUM SHALL BE PROVIDED ALONG PLEASANT RIDGE ROAD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF PLEASANT RIDGE ROAD NORTH OF WEST MARKET STREET – FOR EMAD KATTAN. (FAVORABLE RECOMMENDATION)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Emad Kattan, 1112 Satinwood Drive, said he was one of the three owners of the subject property. He said the rezoning would allow them to use the property for a general contractor's office and storage yard.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said this request is consistent with the Generalized Future Land Use Map (GFLUM), which designates this property as Industrial Corporate Park use. It is also consistent with other recently approved zoning changes in this area. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Collins. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

B. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) MAXIMUM OF 1 VEHICLE ACCESS POINT ON PISGAH CHURCH ROAD AND 1 VEHICLE ACCESS POINT ON SHERIDAN ROAD. 2) SIDEWALKS WILL BE CONSTRUCTED TO MEET GDOT STANDARDS ALONG PISGAH CHURCH AND SHERIDAN ROADS. 3) STRUCTURES WILL NOT EXCEED 3 FLOORS ABOVE GROUND LEVEL. 4) A SOLID WOODEN FENCE WILL BE CONSTRUCTED ALONG THE NORTHERN PROPERTY LINE TO A HEIGHT OF 5 FEET. 5) A WOODEN SHADOW BOX FENCE WILL BE CONSTRUCTED TO A HEIGHT OF 4 FEET ALONG PISGAH CHURCH ROAD TO THE SOUTHERN EDGE OF THE SHERIDAN ROAD ACCESS POINT. 6) THE PISGAH CHURCH ROAD ENTRANCE WILL BE A SPLIT DRIVEWAY WITH AN ISLAND FOR THE PLACEMENT OF A LIGHTED DEVELOPMENT SIGN. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF PISGAH CHURCH ROAD AND SHERIDAN ROAD – FOR ROBERTA’S REAL ESTATE HOLDING COMPANY, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Jerone Pearson, 3402 Wynnwood Drive, spoke about his property and development in this area. He presented an illustrative plan for 61 units. It is believed that younger buyers will flock to these prices in this neighborhood. The townhouses will not exceed three floors with an attached garage. Two driveways were mandated by the Fire Department. A five-foot wooden fence will be constructed along the northern property line. There will be no access on Merton Road. The entrances will be directed back onto the heavier traveled roads.

Tim Jones, 404 Sheridan Road, speaking in opposition to the request, said he objected to the high density planned for this area. Most of the surrounding area has eight units per acre and there are no three-story units of which he is aware.

Bobby Hill, 3925 Merton Road, said he is the property owner on the north side of this project. He was not against the project that much, although he thought there were too many units. His big concern is where all the water will go. He already has water problems now.

Jackie Austin, 3909 Sheridan Road, said her opposition and concern was the density. She would like Mr. Pearson to compromise and reduce the rezoning from RM-12 to RM-8.

The applicant declined to state any rebuttal. Chair Wolf closed the public hearing.

Mr. Hails said this area has a context of both a number of single family developments and multifamily developments, which were developed at different points in time along a major thoroughfare. The adopted GFLUM from the 2025 Comp Plan calls for moderate density residential in this area (densities between five and 12 dwelling units per acre). There are policies in the plan that also promote diverse housing stock, promoting mixed income housing neighborhoods as well as affordable housing needs. As noted, there are a number of things indicated on the site plan, such as townhouse style units, maximum number of units, etc., that are not conditions to this rezoning. Overall, staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

C. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO RS-9 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF PRINCESS ROAD EAST OF PRIMROSE AVENUE – FOR WILEY A. SYKES, JR. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Wiley A. Sykes, Jr., 820 Larkwood Drive, said the subject property does not fit the RS-12 category because RS-12 requires 12,000 square feet of land, whereas RS-9 requires only 9,000 square feet. This parcel has 9,704 feet. The lot width exceeds the RS-12 requirement and does have water and sewer available. The street has no curb or gutter and is not widened to the 30-feet. He can put water and sewer into the property very readily.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM and Comp Plan shows this area as moderate residential. The current zoning allows by right development of single family houses at about three-plus per acre. The proposed rezoning will get it up to four or four and a half units per acre. Overall, staff would support a recommendation of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Schneider. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

D. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO RM-18 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF WEST MEADOWVIEW ROAD BETWEEN COLISEUM BOULEVARD AND PLACID LANE – FOR WILEY A. SYKES, III. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Wiley A. Sykes, III, 110 Elgin Place, said his father and he were the owners of this lot. This lot was damaged many years ago when NCDOT widened and rerouted West Meadowview. The lot has issues because it is so shallow, but wide. They were granted variances for the front and rear setbacks. They purchased the lot directly behind this lot, which was zoned RM-18. They intend to combine a portion of the rear of that lot with the Meadowview lot and create two single family lots out of that. Staff recommended they could go to an RS-5 or RM-18, which are compatible, and staff's recommendation was to go with the RM-18.

Thomas Smith, 1811 Willora, said he was with the Gateridge Community Watch. He said his group did not have a problem with building a house on this property, but changing it to RM-18 creates the fear the owners will take the back section and build apartments. He said Mr. Sykes could have come to the Community and advised them what he wanted to do. He approached no one in the community.

Wanda Jones, 1332 Kirkman Street, said she was president of the Gateridge Community Association. They have had problems with the house on Kirkman Street with drugs and prostitution. They have problems with empty housing now due to the conditions. They do not mind nice looking homes, but when you put apartments there, you are asking for drugs, prostitution and crime. They are not opposed to single family homes. She had heard nothing from Mr. Sykes as to what he planned for the property.

Jim Minish, 4114 Armbrook Drive, represented Alma Minish, 1200 West Meadowview Road. He said he opposed the rezoning for the reasons stated by others. Mr. Sykes sent them a letter, explaining the use. He had no objection to single family units, but opposed multifamily units.

In rebuttal, Wiley A. Sykes III said this is not a conditional zoning. He asked that question when he went to staff and they thought it was such a simple case that they said no. It is their intent to build single family units here. They have already started remodeling the house on Kirkman Street. He did send out a letter to the adjacent neighbors. He met with one person who was on the Community Watch in that Neighborhood Association.

In rebuttal for the opponents, Wanda Jones said the only letter she received from the zoning office, stated that there would be a meeting today. There are now eight empty homes on Kirkman Street. She was not opposed to single family homes, but was opposed to apartments.

Chair Wolf closed the public hearing.

Mr. Hails said this area has some scattered land uses that have existed for some time. The low designation on the GFLUM is really stimulated by the large single family residential areas to the east and west. Staff has had discussions with some of the residents about possibly considering some down zoning of some of this area to try and get the zoning to reflect more accurately the actual land use, but it has not happened. As indicated, on this site by itself single family was the only construction possibility. As noted by Mr. Ruska, staff feels that to zone this one small piece of property to RS-5 would not fit with surrounding zonings. In practical terms for the limited development options on this tract, single family seems likely. Weighing all those matters, staff recommends approval of the request.

In response to questions from the Commissioners, Mr. Ruska said they looked at a number of different approaches to rezoning this property and they may have talked about conditional zoning as well. Since literally only a single family dwelling could be placed on this lot, it did not seem to them that it really needed to have conditions. If the two parcels were put together, a small apartment building could be put on them.

There was a discussion among the Commissioners as to what could or might happen if the two parcels were joined together to create space for two single family units or small apartment units. It was pointed out that the owner might intend to build only single family units on the joint property, but his application was not conditioned so that was not the only thing he could do.

Mr. Schneider moved the ordinance, seconded by Ms. Miller. The Commission voted unanimously 0-9 in disapproval of the motion. (Ayes: None. Nays: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright.)

E. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO ALL SINGLE FAMILY DETACHED AND ATTACHED RESIDENTIAL USES (INCLUDING TOWNHOMES, DUPLEXES AND “VILLA” TYPE HOMES) PERMITTED UNDER THE RM-5 ZONING DISTRICT. 2) THE TOTAL NUMBER OF DWELLING UNITS SHALL NOT EXCEED 187 UNITS (5.0 UNITS PER ACRE). 3) ALL HOMES SHALL BE OFFERED FOR SALE TO THE PUBLIC. 4) NO BUILDING SHALL EXCEED TWO STORIES IN HEIGHT AS VIEWED FROM THE FRONT. 5) THE PROXIMITY OF PIEDMONT TRIAD INTERNATIONAL AIRPORT SHALL BE DISCLOSED TO ALL PURCHASERS OF HOMES WITHIN THE DEVELOPMENT, IN THE DEVELOPER’S RECORDED DECLARATION OF COVENANTS AND RESTRICTIONS, AND WITHIN ANY PURCHASE CONTRACT BETWEEN DEVELOPER AND INITIAL PURCHASERS. 6) THE EXISTING RESIDENTIAL STRUCTURE, KNOWN AS THE BOND-MCALISTER HOUSE, AND A SURROUNDING AREA OF APPROXIMATELY THREE (3.0) ACRES, WILL BE RETAINED AND PRESERVED. 7) WITHIN THE 100-YEAR FLOODPLAIN OF HORSE PEN CREEK, NO FILL SHALL BE PLACED EXCEPT IN ASSOCIATION WITH REQUIRED STREET, ROAD OR UTILITY CROSSINGS. - TO CONDITIONAL DISTRICT – LIMITED BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL BUSINESS, PROFESSIONAL & PERSONAL SERVICES, RESTAURANTS AND RETAIL TRADE (EXCEPT CONVENIENCE STORES AND SERVICE STATIONS WITH FUEL PUMPS) AS PERMITTED IN THE LIMITED BUSINESS DISTRICT. 2) ANY USE WITH DRIVE THRU SERVICE AND/OR FUEL SERVICE SHALL NOT BE PERMITTED. 3) THE EXISTING HOUSE KNOWN AS THE BOND-MCALISTER HOUSE WILL BE RETAINED AND PRESERVED. EXISTING TREES ON THE 1.994-ACRE LOT WILL BE RETAINED. 4) FREESTANDING SIGNAGE SHALL BE LIMITED TO A MONUMENT SIGN WITH A MAXIMUM HEIGHT OF 6 FEET AND MAXIMUM SIZE OF 48 SQUARE FEET. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF FLEMING ROAD BETWEEN CHANCE ROAD AND DAVID CHRISTIAN PLACE – FOR PORTRAIT HOMES – MCALISTER PLACE, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Alan Weidt, 6001 Thistle Trace, said he would like the zoning changed on his property to Conditional District - Limited Business to serve the nearby neighborhoods. He believes that the Limited Business zoning will be complimentary to a planned development in this immediate area. The McAlister House property will become a corner location, a lighted intersection when Isaacson Boulevard is completed and Fleming Road is straightened and extended. He accepted the responsibility to preserve the existing Bond-McAlister House and the established trees that are on the remaining two-acre parcel.

There was no one who wished to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, the rezoning change is very limited in terms of modifying some of the conditions and switching over from a multifamily zone to a limited business zone. The Comp Plan within the low residential category specifically says it supports neighborhood serving local commercial uses. Staff feels this fits those kinds of guidelines. The Comp Plan also supports historic preservation policies such as preserving historic buildings in areas such as this. Staff feels like in the context of a suburban location and mixed residential development around it, this could be a potential asset within the area and conforming to the plan. Staff recommends approval of this request.

Ms. Shipman moved the ordinance, seconded by Mr. Schneider. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Hails left the meeting at 3:25 p.m.

F. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY AND RM-12 RESIDENTIAL MULTIFAMILY TO RM-18 RESIDENTIAL MULTIFAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF CREEK RIDGE ROAD AND REHOBETH CHURCH ROAD – FOR J. MAURICE DEBERRY. (APPROVED)

Chair Wolf said Mr. Collins had advised he had a conflict of interest in this request since his company is involved in this project.

Mr. Gilmer moved that Mr. Collins be recused from discussion or voting on this item, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Collins.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Jim Galyon, 621 Eugene Court, handed up materials for the Commission's consideration. As Mr. Ruska pointed out, there are two parcels involved. One is .68-acre and is under contract to Maurice DeBerry without any conditions to that contract and he will develop this property. That particular piece is the RM-12 property. Adjacent to it is a .21-acre sliver of land that for all intents and purposes is undevelopable. It is owned by NCDOT and they have made an application to NCDOT, asking that they put that sliver into surplus so it could be purchased. The NCDOT parcel is zoned RS-9. One of their responsibilities will be to construct sidewalks along both Creek Ridge and Rehobeth Church Roads as part of the Development Ordinance. Their civil engineer will contact GDOT before beginning any design. Mr. DeBerry plans to construct 16 multifamily units in a multilevel building on this property. The Comp Plan speaks in favor of this as high-density housing. They are next to two single family houses, but in complying with the Development Ordinance, the setbacks and planting yards will help make that palatable for their neighbors.

There was no one to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Ruska said the portion of the subject property currently zoned RM-12 was approved by the Zoning

Commission in March of 2002. Staff recommended approval of that previous request, pointing out that

the Princeton Terrace Apartments on the opposite side of Rehobeth Church Road in close proximity to the subject tract are also zoned RM-18. Staff mentioned that a residential zoning pattern should remain for the long-term stability of this neighborhood. This RM-18 request is consistent with the adjacent zoning and it is consistent with the high residential land use designation on the GFLUM. Creek Ridge Road is a minor thoroughfare and staff feels this is an appropriate location for higher density residential development, especially since the property features such easy access to Freeman Mill Road. Staff recommends in favor of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Collins.)

Chair Wolf called for a 10-minute break.

Mr. Hails returned to the meeting at 3:40 p.m.

G. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY WITH THE FOLLOWING CONDITIONS: 1) USES: MEDICAL OFFICE AND OTHER PROFESSIONAL OFFICES. 2) FREESTANDING SIGNAGE LIMITED TO MONUMENT SIGNS NO GREATER THAN 8' IN HEIGHT. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF NEW GARDEN ROAD BETWEEN FOUNDERS DRIVE AND BALLINGER ROAD – FOR EDWARD KRUSCH. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Edward Krusch, 509 South Edwards Street, said this property represents the last of the Waynick Family's property. The main use will be for medical use and primarily for his brother's use, Dr. Michael Krusch, Vein Specialist.

Chester Brown, 1211 Hill Street, said they were the listing broker for this property and were the developer for the entire tract approximately nine years ago. The proposed use is in harmony with the Comp Plan and he thought would be a good use for the property.

John Varnell, 5800 West Friendly Avenue, Director of Facilities and Campus Services for Guilford College, said Guilford College opposed the rezoning of this property because it does not fit the use and nature of that part of their campus. In the past years of development on the other side of the campus on Friendly, the College had always been in favor and never resisted development. In this case, it was different. New Garden Friends School that is down the drive shown on the overhead is already a very congested area. He has trouble understanding how that property could be developed and get in and out of the property without using Guilford's land. They did not feel that was a good use for that property.

In rebuttal for the applicant, Mr. Krusch said the College had had plenty of time. The property was acquired roughly nine years ago. They had contacted Guilford College to open discussion and dialogue about widening and making improvements. They met with GDOT to talk about things they could do in order to have access to their road to make it a safer position with one main road. At first the College

said they would meet with them, but before the meeting, they called and said they were not interested in talking with Mr. Krusch and had changed their minds.

Mr. Brown said he would like to make one clarification. When their company had a contract to purchase the CD-PI portion, of which the subject property was once a part, the property was made available to Guilford College at that time.

In rebuttal for the opposition, Mr. Varnell said the College's intentions are good. They did approach him and he did talk with someone representing Mr. Krusch and at first they take any kind of proposal under consideration, but did not see a reason to purchase the property. They felt the cost of the property was not reasonable for the College, which is a non-profit.

Chair Wolf closed the public hearing.

Mr. Hails said the adopted GFLUM from the Comp Plan designates this area as institutional. They did not delve too much into actual ownership in interpreting that. The Comp Plan describes it as appropriate for university and college campuses and also for major medical health care concentrations, which can be groups of properties, as well as larger scale institutional activity centers, which likewise can also be groups of properties. Some of the conditions attached to the request will help with compatibility there. Overall, staff recommends approval of the request.

Mr. Gilmer said he thought this was a good use for the property and if the property has been on the market for nine years, he thinks that the institution had the opportunity to purchase this property.

Mr. Gilmer moved that the Commission accept staff's recommendation and approve the ordinance, seconded by Mr. Collins. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

**H. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO
CONDITIONAL DISTRICT – LIMITED OFFICE WITH THE FOLLOWING CONDITION: 1) ANY
USE WITH DRIVE-THRU SERVICE SHALL NOT BE PERMITTED. - FOR A PORTION OF
THE PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF EAST WASHINGTON
STREET AND SOUTH BENBOW ROAD – FOR KARLTON GASKIN. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Karl Gaskin, 1401 East Washington Street, said he would like to add the following condition to his proposal: 2) Existing structures shall be retained.

Mr. Gilmer moved the addition of the new condition to this request, seconded by Ms. Shipman. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Gaskin said the rezoning to LO fits the neighborhood and area. He owns Benbow Realty at 427 South Benbow Road. Also in the next block north an attorney's office is due to open soon in the building that once was Dr. Simpkins' dental office. He feels the subject property is ideal for offices.

There was no one to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of the Comp Plan designates this area as mixed use - residential. Non-residential uses serving local business purposes are compatible with that designation in addition to a mixture of residential uses, retail uses and the like. It supports policies in the Comp Plan of reinvestment in this area and various economic policies as well. Staff thinks it will be an asset to the area and recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Schneider. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

I. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO RS-7 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED AT THE SOUTHEAST QUADRANT OF ORLANDO STREET AND RAVENDALE DRIVE – FOR GARY MCKINNEY. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Gary McKinney, 4637 Chesterfield Place, Jamestown, NC, said he had owned the property for about a year and had decided he would like to build small single family residences. After having the property surveyed, he found the property was approximately 17,416 square feet, too small to divide under the current zoning. He had it rezoned to two properties, both of them being approximately 8,700 square feet. His intention is to put a house on Ravendale with approximately 1,100 square feet, three bedrooms and two baths.

No one wished to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said the Comp Plan GFLUM shows this area as high residential and reflects the multifamily use further east from this site and a little to the west. However, the immediately surrounding area for this site is single family in character and single family zoning. This rezoning request would move the density of this proposal closer to the high residential designation in the plan and yet do it in the context of the single family surrounding area. It supports more diversification of the housing stock and reinvestment in the area and mixed income housing. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Miller. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

J. AN ORDINANCE REZONING FROM SHOPPING CENTER TO CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO TOWNHOMES DESIGNED FOR SALE AND APARTMENTS. 2) NOT LESS THAN 20 UNITS SHALL BE TOWNHOMES DESIGNED FOR SALE. 3) ALL RESIDENTIAL BUILDINGS SHALL BE CONSTRUCTED WITH PRIMARY BUILDING MATERIALS OF BRICK, MASONRY, STONE OR WOOD. 4) NO BUILDING SHALL EXCEED THREE STORIES IN HEIGHT. 5) SUBJECT PROPERTY SHALL BE DEVELOPED TO

PROVIDE CONNECTIVITY WITH ADJOINING TRACT TO THE WEST. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF ROTHERWOOD ROAD WEST OF BRISTOL ROAD – FOR JONES BROTHERS BAKERY, INC. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, handed up materials for the Commission's consideration. He represented two parties, the owner Jones Brothers Bakery, Inc., and also Toby Williams, who is the contract purchaser of this property. He asked the Commission to consider a new additional condition: 6) Every lease or purchase contract for the subject property shall contain a disclosure that the subject property adjoins Light Industrial property, which is used for a building supply business and which involves truck traffic and a night shift operation.

Mr. Gilmer moved that the Commission accept the new condition, seconded by Ms. Shipman. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Isaacson said this condition was added in response to a concern that they had heard from the adjoining nearby owner of the Guaranteed Supply building, a supply distribution business. This entire property is zoned SC and the intent is to rezone approximately five out of the 25 acres of the property for multifamily purposes. The intent is to put the townhomes at the rear of the property and the apartments at the front of the property. There is a roundabout in the middle to provide connectivity to the SC property to the west. He explained the documents contained in the handout, some of them being for illustrative purposes only. He pointed out three letters of support. He gave examples of where industrial and residential had coexisted well.

Fred Pryor, 1106 Dover Road, said Mr. Jones had sold most of the front land to various commercial entities, including a shopping center. After being on the market for 20 years, they think they now have found an appropriate buyer for the subject property. There is convenient bus service and shopping center near the area.

David Cousins, 411 James Doak Parkway, said he was president of Motion Resources, Inc, which occupies the building at 1220 Rotherwood Road just west of Bristol Road. He was opposed to this rezoning due to safety, existing property values, liability and possible traffic problems.

Kirby Ward, owner of Guaranteed Supply Company, handed up materials for the Commission's consideration. He was opposed to the rezoning for multifamily housing. Guaranteed Supply has 10 branches in North Carolina and this location is the distributor for the other nine branches. They sell to the construction trade and have an average of 75 customers per day coming to their facility to pick up materials. They also have regular trucking coming in an average of six to 10 a day, which they are loading or unloading. When they put the craneway in, the City required them to have a fire hydrant in case of an emergency. He felt multifamily housing would create many problems in this area.

In rebuttal for the applicant, Mr. Isaacson addressed some of the concerns expressed by the opponents. He felt the question here was really whether this is an appropriate land use and whether there is a harm to value of the adjoining properties simply by allowing multifamily housing on property near industrial uses.

In rebuttal for the opponents, Mr. Ward said there was housing going up on Alamance Church Road so there was plenty of room for housing in the area. He knew of no vacant buildings in the area. He had no problem with the property being developed with anything except residential. He felt if these five acres were rezoned for multifamily, then the Commission would see the owner return to rezone the remaining 20 acres for residential use.

Mr. Ward said there were people who worked at the commercial businesses present in opposition to this request. He asked them to stand so the Commissioners could see the number present in opposition. He was concerned about the liability that they would be taking on. He asked the Commission to remember that his company's trucks could only go out on the road where these multifamily units were to be built.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of the Comp Plan designates this area as mixed use - commercial. It is also located in close proximity to residential and industrial designations as well. Multifamily is potentially a compatible use in the mixed use - commercial area, but there are certain criteria it has to meet. It needs to be complimentary to surrounding uses. Buildings need to be of appropriate scale and intensity, assuring that sites are coordinated with surrounding sites and not developed on a lot-by-lot manner. Staff does not feel that is what is being proposed with this request. They think the conditions attached to the request primarily ensure that a townhome type development would be built, if the zoning is approved. They think the disclosure is potentially helpful, but not really satisfactory for long-term land use compatibility issues. They feel multifamily up against active industrial is not a good thing to be doing. Staff recommends denial of the request.

Ms. Shipman applauded staff for looking closely at this request and felt they did their homework well.

Mr. Matheny moved the ordinance, seconded by Mr. Schneider. The Commission voted unanimously 0-9 in disapproval of the motion. (Ayes: None. Nays: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright.)

K. AN ORDINANCE REZONING FROM RS-12 RESIDENTIAL SINGLE FAMILY AND HIGHWAY BUSINESS TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) ALL USES PERMITTED IN LIGHT INDUSTRIAL DISTRICTS EXCEPT ANY USES LISTED UNDER THE AGRICULTURAL AND RESIDENTIAL SUBSECTIONS OF THE PERMITTED USE SCHEDULE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF PASCHAL STREET SOUTH OF HIGH POINT ROAD – FOR NSHE GREENSBORO, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Michael Fox, Esq., 100 North Greene Street, Suite 600, said this was somewhat complicated because they were requesting the rezoning of only half a lot. The owner of the former Rhodes building hopes to reuse that structure in a productive way and he is trying to put retail in the front and then use the back, which was the former Rhodes warehouse, for a furniture warehousing and distribution operation. In the current HB zoning, they were limited to 10,000 square feet warehousing, if it is a stand-alone business. They worked with the Planning Department in helping them reuse this big box that had gone empty. So

they decided to come back with LI because that did allow the amount of warehouse space they would like to get, which is approximately 36,000 square feet. The manager of the adjoining shopping center was fine with their plans.

No one wished to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said this area was classified as mixed use - commercial on the GFLUM of the Comp Plan. The uses in the area are primarily office and retail. As noted, there is some limited warehouse and industrial. Both this site and the surrounding industrial, however, are fairly contained uses, primarily internal activities with limited loading. There is no substantial outdoor activities going on and that does allow it to fit better within a mixed-use context that already exists in that site. In general, they feel the type uses permitted by the LI zoning on a site with a large building taking up most of the site, would be internal and therefore, compatible with the other surrounding uses. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Shipman. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

L. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL TO CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF LONG VALLEY ROAD SOUTH OF THE TERMINUS OF BROADLEAF ROAD – FOR COMBS, INC. AND GARY W. AND BOBBIE J. LONG. (FAVORABLE RECOMMENDATION)

Chair Wolf said he needed to recuse himself from discussion and voting on this item since he had done some legal work for one of the applicants.

Mr. Gilmer moved approval of the recusal of Chair Wolf, seconded by Ms. Shipman. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

Derrick Allen, Esq., 230 North Elm Street, represented the applicants. This is coming from County AG to City RS-12. The RS-40 property to the east and south is owned by the City of Greensboro. The RS-15 is an existing subdivision to the north. They feel they are filling in a residential donut hole. In working with staff, they felt that the RS-12 is appropriate since it is the City's default residential zoning for bringing properties duly annexed into the City. Broadleaf Road stubs into this property and they plan to connect there. There are perennial streams and lakes that greatly restrict the amount of homes that go in there. They believe that low density, less than three dwelling units per acre, is appropriate for this zoning classification. They also believe that connecting to the City water/sewer as opposed to developing with water and septic is much more environmentally sound. The property is in Tier 1, which calls for immediate growth, and this is consistent with the Comp Plan.

David Loman, 5500 Broad Leaf Road, Summerfield, said he did not know if he were really speaking in opposition to the development. The only major concern he had is, as president of the Homeowners'

Association for the Highland Grove Development, going to be the access into the property. At this point in time, they are looking at using the Highland Grove Development or Highland Grove Road as the main access point to bring in the smaller construction vehicles, small amounts of equipment, as well as the new residential traffic that will be coming into this section. Their concern is they actually have a back entrance that is not really acknowledged by the County or the City that comes off Broadleaf, but it adjoins Long Valley Road, which is a dirt road right there. Their concern is that construction traffic may tend to favor this entrance, which is going to kick up the dirt and dust much more, particularly during the summertime. The other concern they have is they have a lot of children in their development. Their main concern is really the extra traffic coming into the development. He wondered if Long Valley Road could be paved at the same time.

In rebuttal for the applicants, Mr. Allen said they did send out a pack of letters to those folks, along with the Homeowners' Association, requesting any input they had. They will continue their conversations with the Homeowners' Association.

Mr. Loman declined rebuttal time. Vice Chair Collins closed the public hearing.

Mr. Hails said the GFLUM shows low residential use in this area. It also shows the open areas around the reservoir in the northern part of the City. The proposed density conforms to low-density designation and certainly transition of this area is being seen as water/sewer is being extended into the subdivisions, making newer, higher suburban densities appropriate. A majority of the site is in a watershed Tier 3 area. There is a variety of development restrictions that help make sure that development will happen in an environmentally appropriate fashion, plus the City owns land around the reservoir which will help protect the reservoirs in this location. Staff recommends approval of the request.

Ms. Shipman moved the ordinance, seconded by Mr. Gilmer. The Commission voted 8-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None. Abstain: Wolf.)

Chair Wolf said the last two items would be heard together.

M. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CORPORATE PARK AND REZONING FROM CITY ZONING CONDITIONAL DISTRICT – RS-9 RESIDENTIAL SINGLE FAMILY, CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY AND CORPORATE PARK TO CITY ZONING CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) USES: ALL USES PERMITTED IN THE LI ZONING DISTRICT EXCEPT: AGRICULTURAL CHEMICALS, PESTICIDES AND FERTILIZER; RECYCLING CENTERS; LAND CLEARING AND INERT DEBRIS LANDFILLS; JUNKED MOTOR VEHICLES; DRUG MANUFACTURING; AND STONE CUTTING. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF KNOX ROAD AT THE NORTHEAST QUADRANT OF THE I-40/85 & URBAN LOOP INTERCHANGE – FOR ROBERT L. PAGE AND PAGE PROPERTIES, LLC. (FAVORABLE RECOMMENDATION)

N. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING CORPORATE PARK AND REZONING FROM CITY ZONING CORPORATE PARK TO CITY ZONING CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) USES: ALL USES PERMITTED IN THE LI ZONING DISTRICT EXCEPT: AGRICULTURAL CHEMICALS, PESTICIDES AND FERTILIZER; RECYCLING CENTERS;

LAND CLEARING AND INERT DEBRIS LANDFILLS; JUNKED MOTOR VEHICLES; DRUG MANUFACTURING; AND STONE CUTTING. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST AND WEST SIDES OF KNOX ROAD NORTH OF I-40/85 – FOR ROBERT L. PAGE. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject properties, as well as surrounding properties. He also presented slides of the subject properties and noted issues in the staff report.

Chair Wolf opened the public hearing.

Derrick Allen, Esq., 230 North Elm Street, gave a short history of some of the property. He said Replacements is one of Greensboro's jewels in terms of attracting tourists and business. It has 540 full-time employees and 100,000 visitors to their showroom here in Greensboro every year. Rand-McNally has listed it as one of the top 25 free sites in the U.S., along with the Smithsonian and the Alamo. This business is seeking to double the size of its warehouse over the next five years and is located along those Interstate corridors. The Corporate Park zoning is intended to have several uses. However, the CD-LI rezoning is requested because this will be just one giant building and they plan to double the footprint. One thing that has been heard from staff and others is concern about large tracts of industrial developable property along our Interstate corridors. There has to be available those large tracts of land for companies like the Dell's that may come to this area. The City can then say we have sites ready. They are trying to change the Comp Plan and Zoning Map to to reflect what is actually happening out there. In terms of water/sewer, Replacements has already had that run out there several years ago in conjunction with AT&T. Mr. Allen said they would ask the Commission's approval on the Comp Plan Amendment and rezoning request.

Edward Morrow, 4816 Kingwell Drive, McLeansville, said he was not necessarily in opposition to this request. He said he was seeing that the CD-RM-5 is sitting directly on top of what was supposed to be their amenity center, a pool they have been waiting for for several years. With the expansion of Replacements, would their only access in and out be Knox Road? Also if the traffic is going to be much more substantial, would there be a widening of that road? There was an accident on I-40 several months ago and Knox Road was shut down for about 5.5 hours at 7 o'clock in the morning. So nobody could go to work and no children could go to school. There is no other way in and out of the neighborhood.

Chair Wolf said although Mr. Morrow had good questions, they are not relevant to what the Commission's decision is. Perhaps Mr. Allen could offer up during his limited rebuttal what is planned for Knox Road.

In rebuttal for the applicant, Mr. Allen said in terms of the amenity center and getting up with D.R. Horton, Mr. Morrow will be pleased to know that they have been working with that company. They have been trying to push them to get this project completed. A lot of administrative and governmental agencies have been involved in order to double the size of the buildings. One of the things they have to do is move existing Knox Road. The back entrance into Mr. Morrow's neighborhood will come off of the new Knox Road. They are contractually bound with D.R. Horton to build that section first so that they can have their amenity center hopefully for this summer. In fact, D.R. Horton wholeheartedly supports what they are doing here because that is the way to get done with the amenity center quicker. Another thing in terms of access, Bennington Village, which is directly to the east of the existing D.R. Horton Subdivision, eventually is supposed to have access there. There is some conflict about timing on that connection, but that should happen at some point as well.

Chair Wolf closed the public hearing.

Mr. Hails said first he would note that the Comp Plan Amendment is attached to this so we are not discussing that directly today. However, if the amendment were approved from Mixed Use - Corporate Park to Industrial Corporate Park, their comments would be in that vein. The rezoning is from Corporate Park to Light Industrial as noted. The condition attached to the request, as he understands it, basically tries to eliminate the uses permitted in LI that would have the greatest impact on surrounding areas so they specifically cut out some uses that permit outdoor activities, outdoor storage and some of the uses that might have the greatest noises or odors. The actual context is it is an expanded use of a largely self-contained large internal business use. It is close to some residential to the north. As noted, mandatory buffers will kick in as well as any private agreements regarding additional buffers. Staff recommends approval of the request.

Ms. Shipman moved the ordinance for property at the northeast quadrant of I-40/85 and Urban Loop Interchange, seconded by Mr. Matheny. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

Mr. Gilmer moved the ordinance for property located on the east and west sides of Knox Road north of I-40/85, seconded by Mr. Schneider. The Commission voted unanimously 9-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Shipman, Spangler, Wright. Nays: None.)

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Mr. Gilmer wished all the Zoning Commission members a Merry Christmas and a Happy New Year.

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There being no further business before the Commission, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps.